

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN PR

1 BRENTA PEREZ PANIAGUA,
2 et al.,

3 Plaintiffs,

4 v. CIVIL NO. 98-2318 (RLA)

5 DR. JOSE R. ALVAREZ-RUIZ,
6 et al.,

7 Defendants.

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MINUTES OF FURTHER STATUS CONFERENCE
10 HELD ON SEPTEMBER 29, 1999
11 AND SETTING FURTHER STATUS CONFERENCE

12 At the FURTHER CONFERENCE held on September 20, 1999 from
13 2:45 p.m. to 3:30 p.m. plaintiffs were represented by LUIS R.
14 MELLADO, ESQ., codefendant DR. RUIZ-ALVAREZ by IVAN O. GONZALEZ
15 CRUZ, ESQ., and codefendant SIMED by JESUS R. MORALES CORDERO, ESQ.

16 **ELSA ESQUILIN**

17 Plaintiffs have yet to serve ELSA ESQUILIN with process.
18 According to counsel, he was waiting for the summons to be issued
19 by the Clerk of the Court. Unless plaintiffs serve the newly named
20 defendant with process **no later than October 6, 1999** and so certify
21 to the Court **no later than October 20, 1999** the claims asserted
22 against her shall be dismissed for lack of prosecution.

23 Attorney DOMINGUEZ will provide MRS. ESQUILIN's address to
24 plaintiff's counsel by **September 21, 1999** if known by his client.

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MEDICAL RECORDS

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Defendants complained that they had only received excerpts of JOSHUA's medical records despite their extensive discovery requests and the fact that the minor plaintiff had been receiving treatment for at least 6 years. Further, the information provided was of limited use since it did not specify the location and/or dates of treatment. According to MR. DOMINGUEZ, defendant's expert, DR. VIGO, cannot prepare his report until all records are made available to him for review.

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MR. MELLADO indicated that he had produced all documents in his possession but that it was difficult to communicate with MRS. MENDEZ, currently residing in Daytona, Florida, because JOSHUA was in constant need of medical attention due to hydrocephalia developed as a consequence of his condition. Plaintiffs' counsel explained, the minor was treated at various naval medical facilities in Virginia, Puerto Rico and Germany. In addition, he received medical attention at John Hopkins and at the Florida Hospital. Pursuant to the parties' request, the Court will issue individual orders for production of records to the various hospitals to ensure the documentation is complete.

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The parties shall file, **no later than October 6, 1999**, a joint motion listing all medical facilities where the minor received or is currently receiving treatment specifying for each such

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1 institution the address, name of the attending physicians, dates of
2 treatment as well as any other pertinent information to the
3 producing institution.

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5 Additionally, the motion shall indicate the minor's date of
6 birth and social security number as well as who will be responsible
7 for (1) service of the orders, (2) payment of the reproduction and
8 mailing expenses, (3) where the copies should be mailed.

9 **MODIFIED TIME-TABLE**

10 Given the status of the proceedings, the parties shall file,
11 **no later than November 30, 1999**, a proposed amended time-table for
12 completion of discovery and for amending the pleadings to include
13 additional defendants and/or third-party defendants.

14 **DEPOSITIONS IN FLORIDA**

15 The deposition of MRS. MENDEZ will be taken in Florida on
16 **October 15, 1999** because she is unable to travel to Puerto Rico due
17 to JOSHUA's condition. Any motion supplementing the request for
18 medical records as a result of her deposition shall be filed **no**
19 **later than October 29, 1999**.

20 Plaintiffs' counsel shall furnish defendants without delay the
21 name of JOSHUA's current physicians as well as all pertinent
22 information to allow their depositions to be taken on **October 15,**
23 **1999** as well.

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FURTHER STATUS CONFERENCE

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A FURTHER STATUS CONFERENCE is hereby set for January 12, 2000
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4 at 11:00 a.m.

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IT IS SO ORDERED.

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San Juan, Puerto Rico, this 22nd day of September, 1999.

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RAYMOND L. ACOSTA
United States District Judge

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3 **SUMMARY OF DEADLINES AND SETTINGS**

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5 **9/21/99** Deadline for MR. DOMINGUEZ to furnish MRS.
6 ESQUILIN's address to opposing counsel, if known.

7 **10/6/99** Deadline for serving MRS. ESQUILIN with process.

8 **10/6/99** Deadline for joint motion regarding medical records.

9 **10/15/99** Depositions in Florida.

10 **10/20/99** Deadline for plaintiffs to certify to the Court
11 having served MRS. ESQUILIN with process.

12 **11/30/99** Deadline for joint motion suggesting modified
13 discovery time-table and deadline for including
14 additional parties.

15 **1/12/2000** FURTHER STATUS CONFERENCE at 11:00 a.m.

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